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Candace Havens
Director

MEMORANDUM

DATE: June 19, 2013

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development
John Lojek, Commissioner of Inspectional Services
Robert Muollo, Housing Planner 

RE: #282-12 ALD. JOHNSON, CROSSLEY, DANBERG, SANGIOLO
requesting quarterly reports, starting the last month of the quarter
beginning December 2012, Re-implementation of *Ramping Up: Planning for
a More Accessible Newton*.

MEETING DATE: June 24, 2013

CC: Board of Aldermen
Newton Fair Housing Committee
Donnalyn Kahn, City Solicitor

INTRODUCTION

At the request of the Newton Fair Housing Committee, the Newton Planning and Development Department commissioned an analysis on the City's efforts to assure the accessibility of housing and related facilities for persons with disabilities. The intent of the *Ramping Up: Planning for a More Accessible Newton* report is to assist the City of Newton to move toward full access for persons with disabilities and their families. The review evaluated how the departments of Newton City government and the Newton Housing Authority manage the requirements, policies and procedures that pertain to accessibility, and recommends ways in which the City and the Newton Housing Authority can be supportive of such needs.

After the *Ramping Up* report was completed, the Newton Fair Housing Committee identified and organized housing-related priorities for action that stem from the report's many recommendations. The resulting *Architectural Accessibility Action Plan* succinctly identifies the priorities, action steps and stakeholders essential in ensuring successful implementation of the Ramping Up report's housing-related goals. The *Action Plan* was disseminated to elected officials, department heads and volunteer committees in January, 2012.

REPORT

In June, 2013, the City hired a part-time ADA/Section 504 Accessibility Coordinator, Mr. Joel Reider. The position is located within the Inspectional Services Department. Hiring an ADA/Section 504 Accessibility Coordinator was the top priority from the *Ramping Up* report and is a critical milestone to begin the implementation of the *Ramping Up* report's recommendations, namely the update to the City's ADA/Section 504 Transition Plan. Mr. Reider is currently meeting with both Inspectional Services and Planning Department staff to become oriented with department roles, responsibilities and the *Ramping Up* report's recommendations.

The *Ramping Up* report and *Action Plan* recommends that the city monitor and evaluate accessibility needs, change and progress. In response, the Fair Housing Committee and the Housing and Community Development Division are evaluating methods to assess the supply and demand of accessible housing units in the City. In the coming months, the Committee and staff will be engaging with the Commission on Disability and the Accessibility Coordinator to develop and refine a survey for distribution to rental housing providers. The survey, which will be a sampling of the largest developments, will help the Committee and staff determine the general number of accessible units in Newton's housing stock.

The *Ramping Up* report and *Action Plan* recommends that special care be taken to ensure that planning and zoning decisions do not have a negative, disparate impact or effect on the development of housing accessible for people with disabilities. The Fair Housing Committee has initiated contact and continues dialogue with Planning staff on how fair housing principles such as this might be integrated into the scope of the City's zoning reform efforts.

The *Ramping Up* report and *Action Plan* recommends ongoing training for City staff on the accessibility design and construction standards of various federal requirements. In May 2013, Housing and Community Development Division staff and the ADA/Section 504 Accessibility Coordinator attended a free, full-day training on the Design and Construction Requirements of the federal Fair Housing Act.

NEXT STEPS

Upon request, staff will gladly provide updates at future meetings on the *Ramping Up* Plan's implementation.

Attachment

This attachment contains the *Architectural Accessibility Action Plan*, which was developed in January, 2012 by the Newton Fair Housing Committee, whose role is to promote fair and equal housing opportunities in Newton for all persons. The *Action Plan* identifies priorities for action that stem from the recommendations made by *Ramping Up: Planning for a More Accessible Newton* that, if implemented, will become significant steps in eliminating impediments to fair housing choice in Newton for people with disabilities. The *Action Plan* organizes these priorities by identifying action steps for implementation including the role(s) of the Newton Fair Housing Committee, and by identifying and prioritizing other parties whose involvement is essential in ensuring successful implementation.

Newton Fair Housing Committee Architectural Accessibility Action Plan

January, 2012

The Newton Fair Housing Committee has identified seven priorities that if implemented will become significant steps in eliminating impediments to fair housing choice in Newton for people with disabilities. The matrix below organizes these priorities by identifying action steps for implementation including the role(s) of the Newton Fair Housing Committee, and by identifying and prioritizing other parties whose involvement is essential in ensuring successful implementation.

Actions	Newton Fair Housing Committee Role(s)	Primary Parties	Secondary / Outside Parties
1. ADA and SECTION 504 ADMINISTRATION*			
Update ADA Plan, add Section 504, include measurable goals, periodic updates and reporting process. Remove internal and external communication barriers. Make ADA/Section 504 Plan available to public in a variety of locations and accessible formats.	Advocate for updated ADA Plan and integration of Section 504 requirements. Advise on incorporation and implementation of fair housing related activities. Review draft plan, measureable goals and periodic updates. Promote and participate in public process to revise plan, assist with plan dissemination.	ADA/Section 504 Accessibility Coordinator Fair Housing Committee Commission on Disability Planning and Development Dept. Inspectional Services Dept. City Clerk	All City Departments Community Advocates Disability Advocates Housing and Service Providers Elderly community Civic and Neighborhood Groups
Strengthen ADA/Section 504 Accessibility Coordinator position.	Advocate importance of position with other primary parties. Work with ADA/Section 504 Accessibility Coordinator.	Executive Office ADA/Section 504 Accessibility Coordinator Planning and Development Dept. Commission on Disability	All City Departments

*Americans with Disabilities Act of 1990, as amended and Section 504 of the Rehabilitation Act of 1973, as amended.

Actions	Newton Fair Housing Committee Role(s)	Primary Parties	Secondary / Outside Parties
Strengthen ADA/Section 504 Accessibility Coordinator position <i>(continued)</i> .		Fair Housing Committee Law Dept.	
2. FEDERAL ACCESSIBILITY ENFORCEMENT SYSTEM			
Pursue federal accessibility inspection and notification system for City - administered residential projects. Begin planning for possible expansion of inspection and notification system for residential developments not using City - administered funds.	Advocate for inspection and notification system. Provide technical assistance and advisement on enforcement procedures for areas of noncompliance, as needed. Review work and results.	Planning and Development Dept. Inspectional Services Dept. ADA/Section 504 Accessibility Coordinator	Fair Housing Committee Commission on Disability Human Rights Commission
3. MONITORING AND EVALUATING ACCESSIBILITY NEEDS, CHANGE AND PROGRESS			
Develop self-reporting documents for use by housing providers regarding accessible units proposed and provided; assure their usage.	Advocate. Review proposed documents.	Planning and Development Dept. Fair Housing Committee	Housing Providers ADA/Section 504 Accessibility Coordinator Law Dept.
Periodically review accuracy of provided data regarding accessibility. Use survey and other tools to determine and update the number and type of accessible units in Newton's affordable housing inventory.	Review proposed survey and other tools. Encourage housing providers to respond to surveys. Review survey results.	Planning and Development Dept.	Housing Providers Fair Housing Committee Commission on Disability Human Rights Commission

Actions	Newton Fair Housing Committee Role(s)	Primary Parties	Secondary / Outside Parties
Maintain detailed records of <i>'Accessibility in Affordable Housing Guidance'</i> usage and levels of accessibility achieved.	<p>Assist in reviewing and evaluating progress on periodic basis.</p> <p>Assist in determining best practices.</p> <p>Advocate for best practices once established.</p>	<p>ADA/Section 504 Accessibility Coordinator</p> <p>Planning and Development Dept.</p> <p>Development Review Team</p>	<p>Fair Housing Committee</p> <p>Commission on Disability</p> <p>Newton Housing Partnership</p> <p>Housing Providers</p>
4. FAIR HOUSING MARKETING PLANS			
Develop guidelines and require use of marketing plans that ensure accurate accessibility information in all outreach and marketing.	<p>Advocate.</p> <p>Provide technical assistance, as needed.</p> <p>Review proposed documents.</p>	<p>Planning and Development Dept.</p> <p>Fair Housing Committee</p>	<p>Housing Providers</p> <p>Housing Lottery Agents</p> <p>Property Management Companies</p> <p>Real Estate Agents</p> <p>MassAccess Housing Registry</p> <p>Newton Housing Partnership</p>
Broaden fair housing marketing requirements to increase targeted efforts to people with disabilities.	<p>Advocate for implementation of broadened marketing.</p> <p>Assist in identifying effective marketing techniques.</p> <p>Assist in developing list of target organizations.</p> <p>Ensure additional recommendations are included in appropriate policies and procedures.</p>	<p>Planning and Development Dept.</p> <p>Fair Housing Committee</p>	<p>Commission on Disability</p> <p>ADA/Section 504 Accessibility Coordinator</p> <p>Housing Lottery Agents</p> <p>Massachusetts Rehabilitation Commission</p> <p>Independent Living Centers</p>

Actions	Newton Fair Housing Committee Role(s)	Primary Parties	Secondary / Outside Parties
Broaden fair housing marketing requirements to increase targeted efforts to people with disabilities <i>(continued)</i> .			MA Dept. of Mental Health MA Dept. of Housing and Community Development Newton Housing Partnership
5. DISPARATE IMPACT			
Review City plans for negative disparate impact on people with disabilities.	Review and monitor City plans related to housing to ensure disparate impact is addressed. Advocate for and provide education to relevant parties.	Planning and Development Dept. Fair Housing Committee ADA/Section 504 Accessibility Coordinator Commission on Disability	Board of Aldermen Law Dept. Newton Housing Partnership Planning and Development Board Community Preservation Committee
Advocate that housing developers not use forms of housing that have negative disparate impact regarding access.	Identify likely negative impact forms of housing. Collaborate with and provide education to relevant parties.	Planning and Development Dept. Development Review Team	Fair Housing Committee Commission on Disability Board of Aldermen Newton Housing Partnership

Actions	Newton Fair Housing Committee Role(s)	Primary Parties	Secondary / Outside Parties
6. REASONABLE ACCOMMODATION AND MODIFICATION POLICIES			
Require reasonable accommodation and modification policies (online if possible) of all housing providers receiving City-administered federal, state, or local funding.	Develop elements of a reasonable accommodation and modification policy based on the Joint Statements of the U.S. Department of Justice and Department of Housing and Urban Development for use by housing providers.	Planning and Development Dept. ADA/Section 504 Accessibility Coordinator Law Dept.	Housing Providers Fair Housing Committee
7. TRAINING AND EDUCATION			
Seek funding to provide accessibility training on such topics as design and construction standards, technical specifications including scoping and coverage requirements, and Section 504 implementation including policies and procedures.	Identify funding sources and provide technical assistance in securing funding, as needed. Advocate for ongoing and different types of training to various stakeholders.	Fair Housing Committee Commission on Disability ADA/Section 504 Accessibility Coordinator Planning and Development Dept.	Housing Providers Relevant City Departments Construction Professionals Design and Engineering Professionals
Explore joint fair housing training with the local real estate board.	Explore collaboration options.	Fair Housing Committee Planning and Development Dept.	Commission on Disability Greater Boston Real Estate Board Local Real Estate Agencies